

# Unsafe trailers rampant in Valley

*Boy's death example of enforcement troubles*

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The family of 8-year-old Henry Enrique Bega knows all too well the painful consequences that driving unsafe commercial vehicles can render.

Henry died March 31 in Gilbert when a trailer carrying bags of drywall mix slammed into the Pontiac Grand Prix his mother was driving. The trailer had detached from a commercial truck and veered into oncoming traffic before colliding with the car.

A Gilbert police report says that the trailer hitch had "loose and worn parts" and that the trailer's brakes were not set up to automatically activate, as required by law, in case it broke loose.

Police say the use of such hazardous commercial vehicles is rampant across the Valley, making it difficult to adequately enforce state and federal regulations with limited manpower and resources.

"There is clearly a shortage of commercial-vehicle inspectors," said Sgt. Dave Adams, who oversees seven officers and one civilian inspector with the Phoenix Police Department's commercial-vehicle enforcement squad. "Now, in the past few years, some of the other cities have been getting on board, but it's an expensive proposition for what seems like little benefit."

In reality, Adams said, removing dangerous vehicles from the road can save lives.

From 2001 to 2003, commercial vehicles were involved in a growing number of crashes and traffic fatalities in Arizona as the state's population increased, said Lt. Bernie Gazdzik of the state Department of Public Safety's Commercial Vehicle Enforcement Bureau.

In 2003, police reported 102 fatal crashes statewide involving trucks with a gross vehicle weight rating of more than 10,000 pounds, according to the Federal Motor Carrier Safety Administration. There were 4,669 such fatal crashes reported nationwide.

Two weeks before Henry's death in Gilbert, Mesa police found safety violations with the trailer's brake system and ordered that it be fixed.

Now, Gilbert police plan to recommend charges of negligent homicide and aggravated assault against the trailer's 49-year-old owner, Gary L. Moore of Queen Creek, and a charge of manslaughter against the truck's 29-year-old

driver Omar Antelo Ochoa.

The Maricopa County Attorney's Office will decide which charges, if any, to pursue.

Enforcement problems are compounded by the failure of commercial-truck owners to get federally mandated annual inspections, said Officer Mark Beadles, a member of Adams' squad.

"Some don't get it done because they don't care to, but a lot of them don't realize they have to do that," Beadles said. "Some don't realize that once they get a pickup and trailer loaded up, all of a sudden it's heavy enough to be a commercial vehicle."

It's easy to tell if a truck that has been pulled over has had its inspection, Beadles said.

"When you find a truck that's had an annual inspection on a regular basis, you will find very few hazardous violations," he said. "If the inspection record is spotty, you'll find those violations."

In Phoenix, police find overweight trucks with faulty breaks "every day, all day," Adams said.

Over half of the commercial vehicles inspected in Phoenix from June 2004 to May 2005 were placed out of service for safety violations.

But in 2002, Phoenix police went from having two commercial-vehicle enforcement squads to one. According to Adams, the effect has been dramatic.

"Now, they know we're not there, and they're cutting the corners again," he said.

The squad that remains is based in south Phoenix but works all precincts of the city when officers are available.

"It would be nice to have another squad up there (in north Phoenix), but it's expensive," Adams said.

Beadles said trailers feeding supplies to the Valley's booming construction industry account for at least 90 percent of the commercial trailers stopped in Phoenix for safety violations such as faulty brakes, lights, turn signals and bald tires.

"Keeping their equipment up to snuff, up to safety standards, is a low priority in their list of priorities, and we are seeing more of that," Beadles said. "There are so many new businesses that are providing these services that we just can't keep

track of them."

Although some companies play by the rules, others "shave every dime and cut every corner," Beadles said.

The results can be ugly.

Beadles said he knows of at least four trailers that have broken loose and either damaged property or injured people. Large trailers are required to have a battery-powered brake system that is triggered when cables connected to the truck towing the trailer break away.

But police find that brake systems often don't work at all, much less stop a trailer automatically. Often the brake-system battery is dead, Beadles said.

Earlier this week, Beadles said he stopped a 21,000-pound truck pulling a 24,000-pound trailer that had no working brakes.

"Now what's going to happen when the . . . truck slams on the brakes and the trailer doesn't want to stop?" Beadles asked.

He said the truck was in a convoy of three vehicles that were all taken out of service for safety violations to avert a potential disaster like the one that took Henry's life.

Henry's mother, who was driving, suffered severe facial injuries but survived along with her other two children in the car.

Javier Reyes, Henry's uncle, said the possible charges against the trailer's owner and driver would bring little comfort to Henry's grieving family or Reyes' son, Raul, 10.

"My son is kind of lonely, actually very lonely, because he was his closest cousin," Reyes said. "Now, he's trying to look for somebody else that looked like Henry."

To prevent such disasters, the DPS has about 60 officers statewide who enforce regulations on commercial vehicles, which range from 80,000-pound big rigs to construction trucks hauling trailers.

The DPS also trains officers at other agencies to inspect commercial vehicles.

To be fully certified, officers must initially undergo 80 hours of training and take more classes later on, Gazdzik said.

"A lot of cities don't do it because it requires a real dedication of manpower and

resources," he said.

Larger agencies in the Valley typically have trained commercial-vehicle inspectors, Gazdzik said.

Gilbert police, for example, have nine certified officers, and Mesa's enforcement squad often works with other agencies on joint inspection details.

But other agencies, such as the Maricopa County Sheriff's Office, have few inspectors to regulate commercial vehicles.

Sheriff's Deputy Doug Matteson, a spokesman, said the agency is looking for funding from the state to develop a larger enforcement squad.

In February, more than \$100,000 in fines, if imposed by the courts, were given out during the Sheriff's Office's only major inspection detail of the year for two days near Queen Creek and Sun Lakes, Matteson said.

"There's so many trucks on the roadway," said Deputy David Havely, who is trained to inspect commercial vehicles.

"A lot of them are in violation," Havely said. "We need more people."